

WEDNESDAY, December 10, 1851.

The Senate was called to order by the President pursuant to adjournment. Prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Williams presented the petition of William Burkett; referred to the committee on Private Land Claims.

Mr. Eddy presented the memorial of the Executive committee of the Burkeville convention, of the Texas, Opelousas and New Orleans Railroad company; referred to the committee on Internal Improvements.

Mr. Parker, chairman of the committee on Claims and Accounts, to which was referred a bill for the relief of the securities of John W. McKissick, late assessor and collector of Fayette county, reported the same back, and recommended its passage.

Mr. Parker also made the following report:

COMMITTEE ROOM, December 10, 1851.

Hon. President of the Senate:

A majority of the committee to whom was referred the petition of J. W. King, beg leave to report, that upon an examination of the original vouchers, it appears that \$12,300 of stock in the consolidated fund created by act of 7th June, 1837, was issued to the said King in payment for clothing, &c., purchased in Kentucky, and furnished for the army in 1836. That the said John W. King, in accordance with the act of 20th March, 1848, filed with the Auditor and Comptroller the said \$12,300 funded debt, and they gave him in lieu, a certificate, estimating the par value of the claim at seventy cents on the dollar. This they were induced to do, for the reason that they had estimated the entire fund at that rate, and a departure from it would have caused dissatisfaction. We beg leave to quote from their report upon this subject: "In the average value assigned to the consolidated fund of 7th June, 1837, there came to our knowledge a few cases of hardship, when the Government had received full consideration for the original obligation, which had been converted into this fund and yet owned by the original investor. Had we departed from the rate we had assigned to this, or any other character of liability in one instance—no matter how justifiable, others, not possessing the same merit would have claimed it; and the consequence would have been that but few claimants would have been satisfied with any other classification than that of par. For this reason, we determined, in all instances, to adhere to the rate affixed to each class, and report such cases of hardship as might arise, to

the Legislature, in order that such relief may be awarded in the premises as appears to be just. We therefore accompany this report with a statement, marked "C," of such cases, and hope the same will receive your favorable consideration. In this connection, we refer you to the communication of Dr. John W. King, upon the subject of his claim, which is enclosed in the statement last named."

John W. King is the original *investor* and present owner, and the Government received full consideration for the original debt. Your committee are therefore of the opinion that the claimant should receive the full amount he advanced. No evil can result from this precedent, as we are assured by the Auditor and Comptroller, that there are but few similar cases—and right wrongs no one.

We submit a bill for his relief, and hope the same will receive the favorable consideration of the Senate.

ISAAC PARKER, Chairman.

A bill for the relief of John W. King; read first time.

Mr. Dancy made the following counter-report:

AUSTIN, December 10, 1851.

To the President of the Senate:

The undersigned, one of the committee on Claims and Accounts, dissents from the report of a majority of the said committee, in relation to the claim of John W. King, for the following reasons:

It appears from the report of the Auditor and Comptroller, that John W. King's claim is one for which Texas received full value, and should have been so allowed. As the claim was scaled, however, it would be improper to legislate upon the subject by passing a special relief law. The Legislature has not yet acted upon the scaling system finally, and the claim is still within their control. The proper course to pursue with regard to this and similar claims, is to provide for them in arranging the scaled value of our debts. If the Legislature should adopt the scaling system of the Auditor and Comptroller, and then open the door for special relief laws, legislation on that subject will continue for years, at a cost to the State of hundreds of thousands of dollars. It is the policy of the State to make the action of the Legislature upon the scaling system final, and all claims submitted to the scaling process, should have their proper value affixed thereto before the Legislature shall take final action upon the scaling system. That system should not be disturbed after the Legislature has determined what shall be the scaled value of the *public debt*. It is

better that a few individuals should suffer, than to have the State involved in endless, harrassing and expensive special legislation.

JON W. DANCY.

Mr. Bigelow, from the committee on Counties and County Boundaries, to which was referred a bill to locate permanently the county seat of Lavaca county, reported the same back, with the following amendments, and recommended their adoption and the passage of the bill:

Amend by adding after the words "county seat," in the last line of the 7th section the following:—

Provided, that should the county seat be removed from Petersburg to any other point in the county by a vote of the people or otherwise, then, on the removal taking effect, and without any further conveyance, all the right, title and interest, at this time held by the said county of Lavaca, in and to all or any of that tract of land situated on the east bank of the Lavaca river, in said county, being a part of the league granted to Arthur Shevrell; beginning at the lower corner of Clark L. Owens' land, on the bank of said river, thence east, with the lower line of said Owens' land, 4,158½ varas; thence south, 475 1-5 varas; thence west to the Lavaca river; thence up said river, with the meanders of the same, with place of beginning, containing three hundred and fifty acres, more or less, shall pass and vest in the said Arthur Shevrell, to be held by him absolutely and free from all the claims of said county: Provided, that all the rights of persons to lots in said tract of land heretofore acquired by conveyance from the county of Lavaca, shall not be effected in any manner by this act.

And the county court of Lavaca county shall, at its first regular term after the removal shall have taken effect, or at some subsequent term, after giving said Arthur Shevrell ten days notice, on testimony, estimate the value of the various lots or parcels of the said tract of land conveyed by said county to other persons, and now owned by them, or their heirs or assigns, distinct from the improvements thereon, and make an allowance of the value thereof against the county, and in favor of Arthur Shevrell, which said amount shall be paid to him out of the first money in the treasury.

Mr. Bogart, chairman of the committee on Counties and County Boundaries, to which was referred a bill better defining the boundaries of Denton county; reported the same back, and recommended its passage.

Mr. Taylor, chairman of the committee on Private Land Claims, to which was referred the petition of John S. Roberts, reported,

A bill for the relief of Peter Murphy, his legal heirs or assigns; read first time.

Mr. Taylor, from the same committee, reported back a bill validating certain certificates therein mentioned, and,

A bill for the relief of the heirs of Jonathan Wallace, dec'd, and recommended their passage.

Mr. Taylor, from same committee, to which was referred the petition of Jonathan S. Lee, reported that it was inexpedient to grant the prayer of the petitioner.

Mr. Davis, chairman of the committee on State Affairs, to which was referred a joint resolution, instructing our Senators, and requesting our Representatives in Congress, to urge the passage of a law allowing drawback upon foreign goods imported into the United States, and exported by land through Texas to Chihuahua and northern Mexico, reported the same back, and recommended its passage.

Mr. Scott introduced a bill to declare Little Cypress Bayou a navigable stream; read first time.

ORDERS OF THE DAY.

The report of the Select committee, on a bill to amend the 10th section of an act to provide for the payment of grand and petit juries, was read and adopted.

Mr. Davis moved to reconsider the vote adopting the report, and,

On motion of Mr. Davis, the motion to reconsider was laid on the table.

The report of the committee on Public Lands, on a bill for the relief of the heirs of Levi P. Lockhart, and of David D. Wilson, deceased, offering a substitute therefor, was read and adopted, and bill ordered to be engrossed.

A bill making an appropriation to pay the several assessors and collectors of taxes, for taking the census of their respective counties for the year 1851; read.

Mr. Grimes offered the following amendment:

After "fifty-one," in section 1, line sixth, insert, "Provided, that no assessor and collector shall be entitled to pay under this act, who shall have failed to file, or caused to be filed a copy of the census returns of his county in the office of the Secretary of State, on or before the first day of December, 1851."

Mr. Taylor moved to amend the amendment as follows:

"Provided, however, that this provision shall not apply to the assessor and collector of the county of Titus"—lost.

The amendment offered by Mr. Grimes was adopted, and bill passed.

Mr. Burleson, chairman of the committee of conference, made the following report:

The committee of Conference, to whom were referred the Senate's amendments to the substitute of the House of Representatives for a bill originating in the Senate, entitled an act to amend an act regulating public printing, approved March 8, 1848, in which amendments the House of Representatives have refused to concur, having met and conferred upon the same, have after deliberation instructed us to report as follows, viz :

It is recommended that from the first, second, third and fifth amendments the Senate recede, that the fourth amendment be modified by the Senate to read as follows :

Section 2. That during the present session of the Legislature, a public printer may be elected at such time as by the concurrence of the two Houses may be determined, and that the House of Representatives concur in the said amendment as modified.

Respectfully submitted.

EDWARD BURLESON, Chairman on part of Senate.

DARWIN M. STAPP, Chairman on part of H. of R.

On motion of Mr. Wilson, the report was laid on the table.

Mr. Eddy made the following report :

The committee on Printing, to whom was referred sundry resolutions instructing said committee to contract for printing, &c., in the discharge of the duty assigned them, report that they have contracted with Messrs. Cushney & Hampton for the printing of

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| 150 copies of the Auditor's report, | for | \$15 |
| 270 " " Treasurers " | " | 20 |
| 500 " " Chickasaw memorial " | " | 20 |
| 270 " " Auditor's and Comp- | | |
| troller, "A," | " | 13 |
| 150 copies of Bills for the liquidation of | | |
| the debt of the late Republic of | | |
| Texas | " | 15 |

All of which is respectfully submitted.

Z. WMS. EDDY, Chairman.

Mr. Burleson, chairman of the committee on the Militia, to which was referred the petition of Noah Smithwick, reported a bill for the relief of Noah Smithwick ; and a bill for the relief of Jesse Billingsly, assignee of Noah Smithwick, which were read first time.

The report of the committee on the Judiciary on a bill to authorize Robert Burns to practice law in this State, recommending its rejection was read and adopted.

A bill to repeal an act incorporating the city of Brownsville ; read third time and passed.

A bill to remove certain Spanish records hereinafter described

from the General Land Office to the county clerks office of Refugio county ; read, and passed to a third reading.

The report of the committee on Public Lands, on the petition of Thos. J. Rusk, David Rusk and James H. Starr, was read and adopted.

On motion of Mr. Sterne, the petition was referred to a select committee.

Messrs. Sterne, Hill and Wilson were appointed said committee.

The report of the committee on Internal Improvements, on a bill to incorporate Goodman's turnpike company, offering amendments thereto, was read, and, on motion of Mr. Hart, the report was laid on the table, and bill read.

On motion of Williams, amended by inserting before the words "high water," in sixth section, the word "ordinary," and bill passed to third reading.

A bill to incorporate the town of Daingerfield ; read and passed to third reading.

The report of the committee on Finance on a bill to indemnify the owners for the loss of slaves executed for capital offences, offering an amendment thereto, was read and adopted.

Mr. Bogart offered the following additional section as an amendment :

"That the owner or owners of any slave or slaves, who shall be executed under the provisions of this act, shall be liable for all the damages said slaves have committed on the person or property of another, provided such damages shall not exceed in amount half the value of the slave executed, as provided for by this act."

On motion of Wilson, the bill and amendment were laid on the table.

A bill to regulate the pay of members and officers of the Legislature ; read, and amendments offered by Finance committee adopted.

Mr. Taylor offered the following amendment, to come in after the words "per diem," in section one, "for the first seventy-five days of any one session, and three dollars per diem for the remainder of the session ; rejected, and bill passed to third reading by the following vote :

YEAS—Messrs. Bigelow, Bogart, Davis, Doane, Duggan, Grimes, Hill, Merriman, Meusebach, Reaves, Sterne, Williams and Wilson—13.

NAYS—Messrs. Burks, Burleson, Dancy, Gray, Hart, Parker, Scott, Taylor and Truit—9.

The report of the committee on the Judiciary on a bill to es-

tablish the terms of the supreme court, offering an amendment thereto was read, amendment adopted, and bill passed to third reading.

On motion of Mr. Gray, the rule was suspended, bill read third time and passed.

The report of the committee on the Judiciary on a bill authorizing the county court of El Paso county to appoint the place of holding the district court in said county, and define the time of holding the district courts in the 11th judicial district, offering an amendment thereto, was read, amendment adopted, and bill passed to third reading.

A message was received from the House informing the Senate that the House concurred in the amendments of the Senate, to a bill to encourage the deepening of the Anahuac Pass, at the mouth of the Trinity river.

A bill for the relief of the heirs of Joseph Stewart, deceased; read second time and ordered to be engrossed.

A bill for the relief of Zachariah L. Stringer; read second time and ordered to be engrossed.

A bill for the investigation and determination of eleven league land claims in Robertson's, and part of Burnett's colony; read, and, on motion of Mr. Taylor, laid on the table.

A bill to authorise Bartlett Sims to raise a location therein named, and locate the same upon any vacant land; read second time, and, on motion of Mr. Gray, referred to the committee on Private Land Claims.

A bill for the relief of the heirs of Ignatius S. Johnson; read second time, and ordered to be engrossed.

A bill supplementary to an act concerning crimes and punishments, approved March 20, 1848; read second time, and, on motion of Mr. Taylor, referred to the committee on the Judiciary.

A bill for the relief of the settlers in the territory commonly known as Mercer's colony; read second time, and, on motion of Mr. Dancy, referred to the committee on Public Lands.

A bill to authorize the commissioner of the General Land Office, to issue a patent in the name of William McMin Nuner; on certificate No. 508.

A bill concerning the qualifications of officers; read second time, and, on motion of Mr. Hart, referred to the committee on the Judiciary.

A bill for the relief of Christopher Troutz; read second time, and, on motion of Mr. Dancy, referred to the committee on Private Land Claims.

A bill to enable part owners of slaves and other personal property to obtain partition thereof; read second time, and, on motion of Mr. Dancy, referred to the committee on the Judiciary.

On motion of Mr. Bigelow, the Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, December 11, 1851.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present—the journal of yesterday was read and adopted.

Mr. Grimes presented the petition of Rebecca Chaney: referred to the committee on Private Land Claims.

Mr. Parker presented the petition of sundry citizens of Leon county: referred to the committee on Counties and County Boundaries.

Mr. Hill presented the memorial of the trustees of Peters' colony; which was, on motion of Mr. Bogart, referred to the committee to which was referred that portion of the Governor's message relating to the tenure of lands in Peters' colony.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed, viz:

A bill for the relief of John Weigel and Henrich Krey, or his assigns;

A bill regulating sales by Executors or Administrators, and amendatory of the act concerning the estates of deceased persons, passed March 20th, 1848;

A bill for the relief of the heirs of Ignacius S. Johnson;

A bill for the relief of the heirs of Levi P. Lockhart, and of the heirs of Daniel D. Wilson, deceased;

A bill for the relief of Zachariah L. Stringer; and

A bill for the relief of the heirs of Joseph Stewart, deceased.

Mr. Taylor, chairman of the committee on Private Land Claims, to which was referred the petition of Mary Kiukennon, reported a bill for the relief of the heirs of Wesley Fisher: read first time.

Mr. Merriman introduced a bill providing for taking the depositions of witnesses residing in the county where such depositions are to be used in evidence: read first time.

Mr. Williams introduced a bill for the relief of Edward H. Tarrant: read first time.

Mr. Gray introduced a bill concerning estates of persons con-